## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )		
	Plaintiff,	) 8:10MJ165 )
	vs.	) DETENTION ORDER
JO	SE ESTEBAN HERNANDEZ-VILLALBA,	
	Defendant.	<b>)</b>
A.	Order For Detention After conducting a detention hearing purs Reform Act on August 27, 2010, the Codetained pursuant to 18 U.S.C. § 3142(e) a	ourt orders the above-named defendant
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X             By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.             X             By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>	
C.	distribute methamphetan 846 carries a minimum s maximum of life imprison (b) The offense is a crime of (c) The offense involves a name	and includes the following: e offense charged: y to distribute and possess with intent to nine (Count I) in violation of 21 U.S.C. § entence of ten years imprisonment and a ment. i violence.
	may affect wheth  X The defendant h  X The defendant h  X The defendant h  X The defendant is  X The defendant of ties.  Past conduct of the defendant h  Court proceeding	of the defendant including:  appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. hot a long time resident of the community. hoes not have any significant community the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at

	Parole
	Release pending trial, sentence, appeal or completion of
	sentence.
	(c) Other Factors:
	The defendant is an illegal alien and is subject to
	deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted.
	The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal.
	Other:
~	(4) The nature and pariouspass of the danger pased by the defendant's
X	(4) The nature and seriousness of the danger posed by the defendant's release are as follows: The nature of the charges in the Indictment.
	release are as follows. The flature of the charges in the indictinent.
Χ	(5) Rebuttable Presumptions
	In determining that the defendant should be detained, the Court also relied
	on the following rebuttable presumption(s) contained in 18 U.S.C. §
	3142(e) which the Court finds the defendant has not rebutted:
	X (a) That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
	of any other person and the community because the Court finds that
	the crime involves:
	(1) A crime of violence; or
	X (2) An offense for which the maximum penalty is life
	imprisonment or death; or
	X (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two
	or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was
	committed while the defendant was on pretrial release.
	X (b) That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable
	cause to believe:
	X (1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and
	in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous
	weapon or device).

 D. Additional Directives
 Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending

 appeal; and

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- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: August 27, 2010. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge